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MEMO ENDORSED

U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
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October 20, 2020

BY ECF

The Honorable Valerie E. Caproni
United States District Court Judge
Southern District of New York
40 Foley Square
New York, New York 10007

    Re: *United States v. Carmelo Velez, et al.*, 19 Cr. 862 (VEC)

Dear Judge Caproni:

    We write pursuant to the Court's order of August 26, 2020, in which the Court scheduled a status conference for November 10, 2020 and ordered the Government to submit a status report by October 20, 2020. *See* dkt. no. 207. The Court requested that the Government propose in its status report, if necessary, groupings of defendants to proceed at different times at either an in-person conference or virtual hearing.

    As the Court knows, the November status conference had previously been scheduled with the hope that, by November 10, the COVID-19 pandemic would have improved to an extent that would allow defense counsel to meet with their clients in person, walk their clients through the discovery, and discuss potential pretrial motions, trial strategy, or dispositions. In-person legal visits continue to be limited at many of the prisons, however, and the defendants who have been released on bail have been similarly limited by social-distancing guidelines. We understand that defense counsel have been taking advantage of the options to meet with their clients virtually, but the discovery in this case is voluminous, and the time available for virtual visits is limited. In addition, some of the in-custody defendants have not been able to complete their review of the discovery due to limitations on access to the law libraries that were imposed as part of the prisons' efforts to mitigate the spread of the virus.

    Because the continuing COVID-19 pandemic has prevented the parties from making as much progress as had been hoped, the parties jointly request that the status conference previously scheduled for November 10 be adjourned for an additional 60 days. We are hopeful that during this time the COVID-19 situation will improve to a point where the parties can advise the Court of a realistic schedule for motions and trial. We also respectfully request that the Court exclude

time between today's date and the date of the status conference pursuant to the Speedy Trial Act. Defense counsel have consented to this request.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By   ___/s/_____
AUSA Adam S. Hobson
AUSA Elinor Tarlow
212-637-2484 / 1036

cc: Counsel of Record (by ECF)

The Court hereby grants an adjournment of 30 days. Counsel is reminded that if Defendants are encountering difficulties accessing discovery in prison or while on home confinement, counsel should promptly bring these issues and any proposed remedies to the attention of the Court.

The conference currently scheduled for November 10, 2020 is hereby adjourned to **Thursday, December 10, 2020, at 11:00 A.M.** The Court has every intention to set a motion schedule and possibly a trial date at this conference.

A further status report is due no later than **Wednesday November 25, 2020**. In that report, counsel should propose, if necessary, groupings of defendants to proceed at different times, in order to accommodate the logistics of either an in-person conference or a virtual hearing.

Given Defendants' interests in reviewing discovery, considering pretrial motions, and negotiating potential dispositions, all of which have been delayed by the COVID-19 pandemic, the Court finds that the ends of justice in accommodating those delays outweigh the Defendants' and the public's interests in a speedy trial, and that exclusion of time between now and the next status conference is warranted pursuant to 18 U.S.C. § 3161(h)(7).
  SO ORDERED.

Date: October 21, 2020

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE